

Options Appraisal

	<u>Option</u>	<u>Advantages/disadvantages</u>
1.	<u>Injunction</u> ss.1-21 of the Anti-Social Behaviour, Crime and Policing Act 2014	<p>Injunctions require specific individuals to be named, would require an application for each individual (and evidence to be collected in respect for each), involves repeated applications to the court and associated costs. Injunctions would be sought after the behaviour has taken place.</p> <p>In regards to the proposed PSPO, the people involved changes from day to day, week to week; A remedy that enables police to bring an immediate stop to nuisance drinking and confiscate alcohol and drug paraphernalia is preferable and is considered more proportionate. Officers need to be able to deal with incidents as and when they happen.</p>
2.	<u>Community Protection Warnings/Notices</u> ss. 43-58 of the 2014 Act	<p>These have been issued in respect of individuals who continue to display ASB, in neighbour disputes or issues affecting the local community. In the main, they are effective in targeting specific individuals and can be tailored to specific behaviour.</p> <p>CPN's are a flexible enforcement tool which can be used to target problematic individuals, rather than imposing requirements and restrictions which apply to everyone.</p> <p>However, these options would not enable the incident to be dealt with immediately as they are not responsive tools to deal with this type of behaviour. There is a process, with a Community Protection Warning/Notice, which needs to be gone through with each individual over a number of stages. A remedy that enables police to bring an immediate stop to nuisance drinking and confiscate alcohol and drug paraphernalia is preferable.</p>
3.	<u>Dispersal power</u> under Section 34 and	<p>The Police have used their existing dispersal powers under Section 34 and Section 35 of the Anti-Social Behaviour, Crime</p>

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	Section 35 of the Anti-Social Behaviour, Crime and Policing Act 2014	<p>and Policing Act 2014 to address significant ASB causing immediate harassment, alarm and distress or crime.</p> <p>During the summers of 2021 and 2022, Section 34 was used to good effect most weekends to tackle ASB incidents caused by large groups of youths and young adults congregating and drinking in areas of Llanelli and this included part of the town centre.</p> <p>Although Section 34 and 35 dispersal powers could be used in response to alcohol or drug related behaviour in the town centre, police feel that they are not a practical tool for this low level, persistent behaviour.</p>
4.	<u>Injunction</u> s.222 Local Government Act 1972	<p>Section 222 gives local authorities a general power to bring legal proceedings in their own name where they consider it expedient to do so to promote or protect local inhabitants.</p> <p>This power is generally used as a last resort when no other statutory powers are available. However, it is considered more appropriate to use the powers as proposed in the Order due to reasons outlined above against the option Injunction ss.1-21 of the Anti-Social Behaviour, Crime and Policing Act 2014.</p>
5.	<u>Other warnings</u> e.g. under ASB policy	<p>The initial stage ASB warning letters that are able to be issued have no legal power or prohibitions which can be enforced. The process is for a written notice to be given with progression through to a CPN/CPW or CBO.</p> <p>However, these options would not enable the incident to be dealt with immediately as they are not responsive tools to deal with this type of behaviour. There is a process, with a CPW/CPN, which needs to be gone through with each individual over a number of stages.</p>

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		<p>Such warnings also would not enable the seizure of alcohol or drug paraphernalia.</p>
6.	<p><u>Changes to the physical environment</u></p>	<p>In a specific hotspot area, such changes could be considered, however, given the large area covered, we have not been able to identify changes which could be implemented to achieve the same impact as it is believed the proposed PSPO powers will have.</p> <p>Making changes to an area to discourage people from congregating and engaging in anti-social drinking and drug use may displace the behaviour to another location within the town. Generally, the large area identified is covered by adequate street lighting and the issues take place during daylight hours with seizures taking place in the day and early evening in summer months.</p> <p>Other changes such as the removal of park benches and replacement of grass with gravel have been considered, however, such changes would have a detrimental effect on the area visually and use of space by local communities.</p> <p>Additional disposal options for drug paraphernalia have been considered such as needle disposal bins but are not considered to be the preferred option. Needle bins would need to be regularly emptied and could be seen as encouraging public drug use.</p>
7.	<p><u>Installation of additional CCTV</u></p>	<p>There are a number of CCTV cameras already providing good coverage throughout the majority of the proposed area. However, CCTV is not deterring the behaviour that the PSPO will aim to address as a high proportion of seizures are taking place in areas covered by CCTV.</p>

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		<p>Cameras have already been installed where it is proportionate to do so following analysis of the need in response to anti-social behaviour, crime and risk of harm. Coverage is reviewed by the Police to ensure most appropriate coverage.</p>
8.	<p><u>Use of existing legislation to manage littering</u></p>	<p>It is our understanding that the police do not have the power to seize drug related paraphernalia unless drugs are found during a search under the Misuse of Drugs Act 1971. The new powers will be particularly helpful in cases where no drugs have been found during a search, but where the person is found to be in possession of drug related paraphernalia such as used or unpackaged needles.</p> <p>The Council holds primary responsibility for environmental issues such as littering. Littering is already a criminal offence under section 87 of the Environmental Protection Act 1990, and offenders can be issued with Fixed Penalty Notices. The Council has limited enforcement resources covering the whole of the county. In practice, it is difficult to evidence people discarding needles, and issuing fixed penalty tickets to litterers is a responsive tool which can only be used after the offence has happened.</p> <p>In line with other police forces nationally, Dyfed Powys Police does not issue fixed penalty tickets for low level offences such as littering.</p> <p>We have been undertaking needle picks and using the existing legislation to try address this issue of drug-related litter and will continue to do so. However, given the serious health risks associated with discarded needles, we do not feel that it is sufficient to adequately address the problem. A PSPO that</p>

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		<p>enables police to confiscate needles and other drug paraphernalia before it is littered will help to address the problem and reduce the risk of needle injuries from drug related litter.</p>
9.	<p><u>Use of existing legislation to manage public drinking and alcohol related ASB</u></p>	<p>Without a PSPO, Police and local authority officers do not have the power to require people to stop drinking in public areas.</p> <p>The police have powers under the Confiscation of Alcohol (Young Persons) Act 1997 to require people surrender alcohol and containers containing alcohol. They are aimed at preventing underage drinking and only apply to minors, or where alcohol is going to be consumed by a person under the age of 18. They do not apply to adults, who possess alcohol for their own consumption.</p> <p>Under section 12 of the Licensing Act 1872, it is an offence to be drunk in any highway or other public place. Under Section 91 of the Criminal Justice Act 1967, it is also an offence to be drunk and disorderly in a public place. People under the influence of alcohol can also commit a range of public order offences.</p> <p>If somebody is convicted of an alcohol-related offence, they can also be given a Criminal Behaviour Order (CBO), which imposes restrictions on their behaviour for a period of at least two years.</p> <p>Existing criminal legislation can be used to issue fixed penalty notices or to prosecute for offences after the event. Some forms of low level anti-social behaviour may not amount to a criminal offence or may not meet the threshold for arrest or prosecution.</p>

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		<p>Powers that enable the police to prevent drink related ASB and criminal offences from occurring - by requiring nuisance drinkers to stop drinking and to confiscate their alcohol - are preferable.</p>
10.	<p><u>PSPO</u> ss.59-75 of the 2014 Act</p>	<p>Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific public area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.</p> <p>As orders can restrict what people can do and how they behave in public spaces, it is important that the requirements and restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.</p> <p>Orders which can be used to require a person to stop drinking and to surrender their possessions, are a significant interference with people's human rights. Orders containing these controls should not be introduced lightly and should only be made if the controls which are being imposed are necessary and proportionate in the circumstances.</p> <p>Under our proposed Order, members of the public can be required by a police officer (or other authorised person) to stop drinking, to surrender alcohol and containers of alcohol, and to surrender drug paraphernalia. Failure to comply with a requirement is a breach of the Order and a criminal offence.</p> <p>The purpose of the order is not to create a drink free zone in which no drinking is permitted. Under the Order, it is only an</p>

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		<p>offence to consume alcohol in the area if a person had been directed not to do so by a police officer or other authorised person. While officers have the discretion to require an individual to refrain from drinking regardless of behaviour, the powers are not intended to disrupt peaceful activities. The powers to require individuals not to consume alcohol within the prohibited area and to surrender alcohol are discretionary, and it's our intention that the powers should only be used to deal with individuals who are causing (or are likely to cause) drink related anti-social behaviour.</p> <p>A PSPO made by the council in 2020 contained similar powers relating to alcohol (but no drug paraphernalia). It was effective in reducing alcohol-related anti-social behaviour.</p> <p>Given the serious public health risks associated with discarded needles, a power which helps to prevent needles from being littered is desirable. A PSPO allows us to do this. In the circumstances, officers feel that powers in the proposed PSPO are necessary to prevent crime and to protect the health and safety of the public and are a proportionate response to the problems.</p>